

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

IN AND FOR NEW CASTLE COUNTY

State of Delaware,	:	
	:	
	:	
Plaintiff,	:	
	:	
v.	:	Cr. ID. No. 90011926DI
	:	
Byron S. Dickerson,	:	
	:	
	:	
Defendant.	:	

ORDER

On this 19th day of August, 2010, upon consideration of the Defendant's motion for postconviction relief, the Commissioner's Report and Recommendation, the Defendant's motion for Reconsideration of the Commissioner's Report and Recommendation, and the record in this case, it appears that:

1. Following a Superior Court jury trial, the Defendant, Byron S. Dickerson, was found guilty of Murder in the First Degree and Possession of a Deadly Weapon

During the Commission of a Felony. On July 14, 1992, Mr. Dickerson was sentenced to life in prison without the possibility of probation, parole or other sentence reduction. His conviction and sentence were affirmed by the Delaware Supreme Court on December 21, 1993.¹

2. The Defendant filed his first motion for postconviction relief pursuant to Superior Court Criminal Rule 61 on January 13, 1995.² That motion was denied by the Court on March 22, 1996. The Delaware Supreme Court affirmed this Court's decision.³

3. On July 6, 2009 Mr. Dickerson filed his second motion for postconviction relief pursuant to Rule 61 which was referred to Superior Court Commissioner Michael P. Reynolds pursuant to 10 Del. C. § 512(b) and Rule 62 for proposed findings of fact and recommendations for disposition. The Commissioner issued his Report and Recommendation on August 2, 2010 recommending that Mr.

¹ *Dickerson v. State*, 1993 WL 541913 (Del. Dec. 21, 1993).

² Further references to the criminal rules of the Superior Court shall hereinafter be cited as "Rule ____".

³ *Dickerson v. State*, 1998 WL 14999 (Del. Jan. 7, 1998).

Dickerson's motion for postconviction relief be denied.

4. The Defendant filed a motion for reconsideration from the Commissioner's Report and Recommendation on August 9, 2010. Mr. Dickerson contends that the Commissioner misconstrued his arguments and made numerous errors of fact as well as errors of law in addressing his efforts to obtain postconviction relief.

5. Superior Court Criminal Rule 62(a)(4)(ii) states that within ten days after filing of a Commissioner's proposed findings of fact and recommendations any party may serve and file written objections to that report that sets forth with particularity the basis for those objections.

6. The Court, having reviewed *de novo* the Commissioner's Report and Recommendation pursuant to Rule 62 as well as Mr. Dickerson's response thereto, hereby accepts and adopts the Report and Recommendation so issued on August 2, 2010 in its entirety. The Court must conclude that Mr. Dickerson's arguments are repetitive and wholly without merit. They were carefully and fully considered in the Commissioner's Report and

Recommendation, Mr. Dickerson's direct appeal, as well as Mr. Dickerson's first motion for postconviction relief.⁴

Based upon the foregoing, the Court concludes that Mr. Dickerson's second motion for postconviction relief must be, and hereby is, **denied**.

IT IS SO ORDERED.

TOLIVER, JUDGE

⁴ See *Dickerson v. State*, 1993 WL 541913, see also *Dickerson v. State*, 1998 WL 14999.